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WASHINGTON, D.C. 20231
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In re Application of
TANGLER et al.
Application No.: ~~10/089,469~~ 09/436,802
Attorney Docket No.: NREL 99-17
For: COOLING-TOWER FAN AIRFOILS

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: DECISION
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This Decision is in response to applicant's "COMMUNICATION" filed via facsimile transmission on 30 January 2002, which has been treated as a petition under 37 CFR 1.181. No petition fee is required.

The petition requests that the Transmittal Letter, petition for revival under 37 CFR 1.137(b), declaration of inventors, and copy of international application accompanying the petition under 37 CFR 1.181 be accepted as having originally been received on 14 September 2001. Applicants have provided sufficient evidence to establish that on 14 September 2001 applicants filed the above-mentioned documents. The proof is in the form of the copy of the receipt for the above-identified application which bears a United States Patent and Trademark Office (USPTO) date stamp of 14 September 2001 and which itemizes the above-mentioned documents and identifies the above-captioned docket number, title and inventors. Petitioner's statements in the petition are construed as meaning that the copies of the documents filed 30 January 2002 are copies of the documents originally filed 14 September 2001. If this interpretation is incorrect, applicant must *immediately* notify the Office of PCT Legal Administration of such fact. Therefore, in view of the date-stamped receipt and practitioner's statement, the documents received on 30 January 2002 may properly be accepted as originally received in the USPTO on 14 September 2001. The petition under 37 CFR 1.181 filed 30 January 2002 is **GRANTED**.

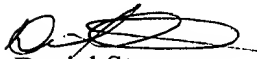
However, applicants must file a petition under 37 CFR 1.182 to clarify the discrepancies in the papers filed 14 September 2001 before these papers can be processed. On 14 September 2001, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included, *inter alia*, a Transmittal Letter and a declaration of inventors. The first page of the Transmittal Letter indicates the international application number as PCT/US00/01742. However, the title, inventors, and priority date indicated on the Transmittal Letter do not correspond to PCT/US00/01742. Also, the declaration is not in compliance with 37 CFR 1.497(a)-(b) since it fails to identify the specification to which it is directed. The declaration also indicates the international application number as PCT/US00/01742 but the title, inventors,

and priority date listed on the declaration do not correspond to that international application number. A new declaration in compliance with 37 CFR 1.497(a)-(b) will need to be filed since the declaration cannot be corrected by petition.

Applicant is required to file a reply to this communication resolving the above-stated inconsistency. A proper reply would include a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(h), to correct the Transmittal Letter (The petition should set forth the specific circumstances as to how and when the error was made and should set forth that the mistake was an inadvertent error without deceptive intent).

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely file a proper response will result in abandonment of the application.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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